



Proactive Release

Date: 12 February 2026

The following Cabinet Paper and related Cabinet Minute have been proactively released by the Minister for Emergency Management and Recovery:

Title of Papers	Reference
Cabinet Legislation Committee Minute of Decision – Emergency Management Bill (No 2): Approval for Introduction	LEG-25-MIN-0248
Cabinet Minute of Decision – Report for the Cabinet Legislation Committee: Period Ended 5 December 2025	CAB-25-MIN-0446
Emergency Management Bill (No 2): Approval for Introduction	

Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the OIA). Where this is the case, the relevant sections of the OIA that would apply have been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Key to redaction code:

- section 9(2)(f)(iv), to maintain the confidentiality of advice tendered by or to Ministers and officials.

The following documents are also publicly available:

[Departmental Disclosure Statement – Emergency Management Bill \(No 2\)](#)

[Emergency Management Bill \(No 2\)](#)



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Emergency Management Bill (No 2): Approval for Introduction

Portfolio **Emergency Management and Recovery**

On 4 December 2025, the Cabinet Legislation Committee:

- 1 **noted** that the Emergency Management Bill (No 2) (the Bill) holds a category 5 priority on the 2025 Legislation Programme (to proceed to select committee by the end of 2025);
- 2 **noted** that the Bill will replace the Civil Defence Emergency Management Act 2002;
- 3 **noted** that the Bill aims to support the following reform objectives, which the Cabinet Economic Policy Committee confirmed in July 2025:
 - 3.1 strengthen the role of communities and iwi Māori in emergency management;
 - 3.2 provide for clear responsibilities at the national, regional, and local levels;
 - 3.3 enable a higher minimum standard of emergency management;
 - 3.4 minimise disruption to essential services; and
 - 3.5 ensure agencies have the tools to do their jobs effectively when an emergency happens;
- [ECO-25-MIN-0117]
- 4 **approved** the Emergency Management Bill (No 2) [PCO 26942/18.0] for introduction;
- 5 **agreed** that the Bill be introduced by 9 December 2025;
- 6 **agreed** that the Government propose that the Bill be:
 - 6.1 referred to the Governance and Administration Committee for consideration;
 - 6.2 9(2)(f)(iv)

Tom Kelly
Committee Secretary

Attendance: (See over)

Present:

Hon David Seymour
Hon Chris Bishop (Chair)
Hon Paul Goldsmith
Hon Shane Jones
Hon Nicole McKee
Hon Casey Costello
Hon James Meager
Stuart Smith, MP

Officials present from:

Officials Committee for LEG
Office of the Associate Minister of Justice (Hon Nicole
McKee)

Proactively Released by the
Minister for Emergency Management and Recovery



Cabinet

Minute of Decision

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Report of the Cabinet Legislation Committee: Period Ended 5 December 2025

On 8 December 2025, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 5 December 2025:

Out of Scope



LEG-25-MIN-0248

Emergency Management Bill (No 2): Approval for Introduction

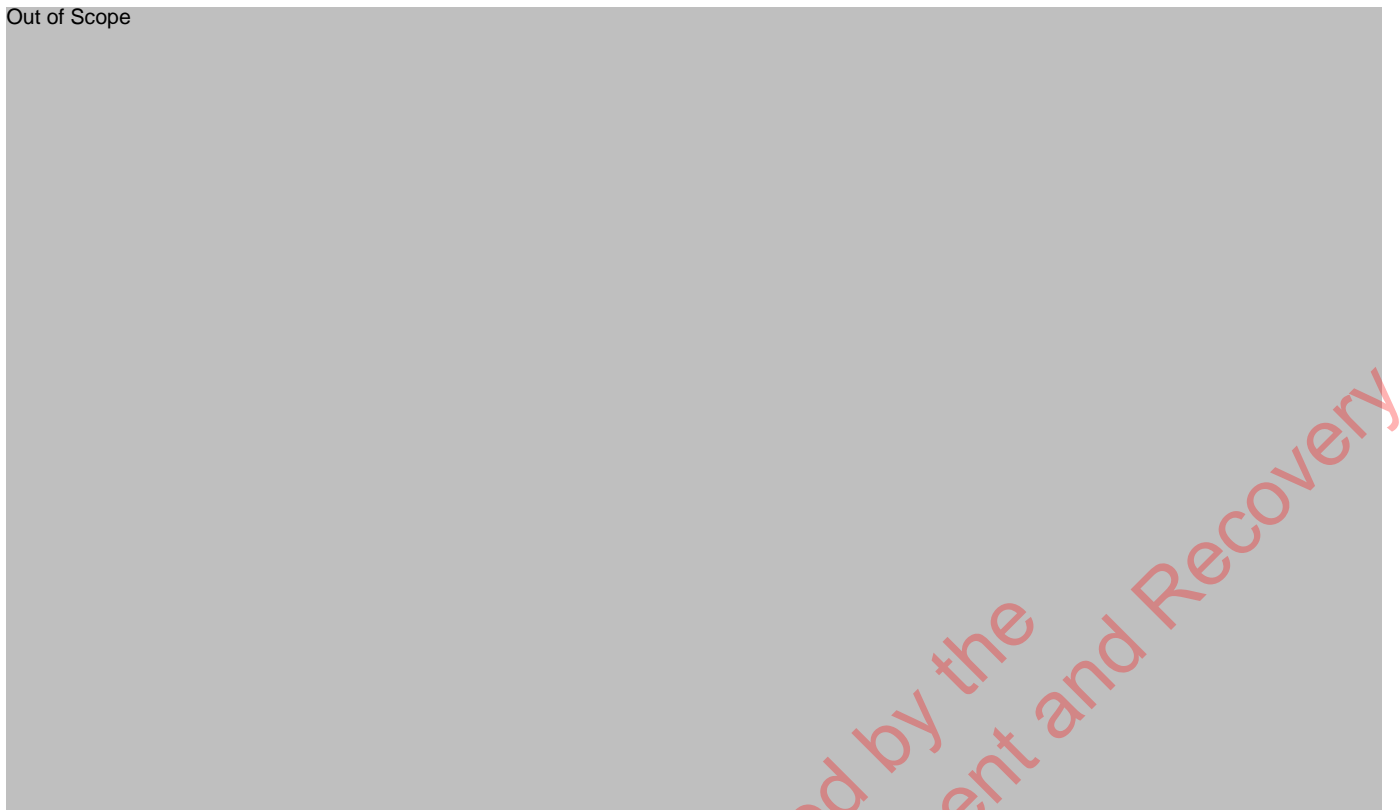
CONFIRMED

Portfolio: Emergency Management and Recovery

Out of Scope



Out of Scope



Rachel Hayward
Secretary of the Cabinet

Proactively Released by the
Minister for Emergency Management and Recovery

~~In Confidence~~

Office of the Minister for Emergency Management and Recovery

Cabinet Legislation Committee

Emergency Management Bill (No 2): Approval for Introduction

Proposal

- 1 This paper seeks approval for the introduction of the Emergency Management Bill (No 2) (the Bill).

Policy

- 2 In November 2024, Cabinet agreed to rewrite the Civil Defence Emergency Management Act 2002 (CDEM Act). Cabinet noted that the intent of the CDEM Act generally remains sound, but legislative reform is required to fully deliver on the response to the Government Inquiry into the Response to the North Island Severe Weather Events (the Inquiry) and address other known issues [CAB-24-MIN-0458].
- 3 At that time, Cabinet agreed to take forward several changes that had been reflected in the discharged Emergency Management Bill, which address barriers to operational effectiveness and fix drafting errors [CAB-24-MIN-0458].
- 4 In July 2025 Cabinet agreed to 21 substantive policy proposals for the Bill, the most significant of which can be summarised as:
 - 4.1 clarifying who is in control during emergencies (particularly when undeclared) and clarifying accountabilities at the local level;
 - 4.2 improving how Emergency Management Committee¹ plans are developed and with whose input, given they drive change on the ground;
 - 4.3 representation of iwi Māori, rural communities and the wider community on Coordinating Executive Groups²;
 - 4.4 expanding the tools available to improve assurance of the system, e.g. through rules or compliance orders; and
 - 4.5 expanding the lifeline utilities/essential infrastructure providers that can be recognised under the legislation (e.g. certain digital services and solid waste management) and improving their coordination and information sharing [CAB-25-MIN-0249].
- 5 Together, the Bill proposals will help achieve the following reform objectives:
 - 5.1 strengthen the role of communities and iwi Māori in emergency management;

¹ Known as CDEM Groups under the current CDEM Act, these are a joint committee of the mayors and chairperson from the local authorities in a region (or a committee of a unitary authority) with responsibility for emergency management.

² Coordinating Executive Groups are the local authority chief executives and emergency service representatives responsible for advising a CDEM Group/Emergency Management Committee and implementing their decisions.

- 5.2 provide for clear responsibilities at the national, regional, and local levels;
 - 5.3 enable a higher minimum standard of emergency management;
 - 5.4 minimise disruption to essential services; and
 - 5.5 ensure agencies have the tools to do their jobs effectively when an emergency happens.
- 6 I have taken decisions (jointly where required) on detailed policy matters as authorised by Cabinet in November 2024 and July 2025 [CAB-25-MIN-0249 and CAB-24-MIN-0458 refer]. Annex 1 of this paper summarises those decisions.
- 7 Potentially contentious aspects of the Bill are that it provides:
- 7.1 for iwi Māori representation on Coordinating Executive Groups but not Emergency Management Committees, which may be regarded by iwi Māori as limiting their role in governance of emergency management matters;
 - 7.2 for regulations to introduce planning requirements for essential infrastructure providers and rules which could establish standards, operating procedures and organisational arrangements for local authorities, potentially adding to their compliance burden; and
 - 7.3 a new power for the Director-General of Emergency Management to issue compliance orders in relation to breaches of legislative requirements, which has potentially wide-ranging impacts as the Bill imposes requirements on individuals, local authorities, public service agencies, emergency services and essential infrastructure providers.
- 8 I consider all of the above proposals are well-supported by analysis and help ensure the Bill fulfils the Government's response to the Inquiry.

Impact analysis

- 9 A Regulatory Impact Statement was prepared in accordance with the necessary requirements and was submitted alongside Cabinet approval of the policy [CAB-25-MIN-0249].

Compliance

- 10 The National Emergency Management Agency has assessed the Bill and considers it complies with each of the following:
- 10.1 the principles of the Treaty of Waitangi;
 - 10.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 (NZBORA) and the Human Rights Act 1993;
 - 10.3 the principles and guidelines set out in the Privacy Act 2020;
 - 10.4 relevant international standards and obligations;
 - 10.5 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.

- 11 The NZBORA vet conducted by the Ministry of Justice is in progress.
- 12 A disclosure statement has been prepared and is attached to this paper as Annex 2.

Consultation

- 13 The policy proposals in the Bill were informed by public consultation on a discussion document setting out issues with the current legislation and options to address them, including non-legislative options. The discussion document was informed by the Inquiry, other reviews, and submissions on the discharged Emergency Management Bill. Consultation was open from 15 April to 20 May and 324 submissions were received, the majority of which were substantive. The public consultation process was supported by targeted engagement with stakeholders and iwi Māori.
- 14 The following government agencies were consulted throughout the policy development process and on the Bill itself: Department of Conservation, Department of Corrections, Department of Internal Affairs, Department of Prime Minister and Cabinet, Fire and Emergency New Zealand, Government Communications Security Bureau, Land Information New Zealand, Maritime New Zealand, Ministry for Culture and Heritage, Ministry for the Environment, Ministry for Ethnic Communities, Ministry for Primary Industries, Ministry for Regulation, Ministry of Business, Innovation and Employment, Ministry of Defence, Ministry of Education, Ministry of Health, Ministry of Housing and Urban Development, Ministry of Justice, Ministry of Social Development, Ministry of Transport, Natural Hazards Commission Toka Tū Ake, New Zealand Customs Service, New Zealand Defence Force, New Zealand Police, New Zealand Security Intelligence Service, New Zealand Transport Agency, Public Service Commission, Reserve Bank of New Zealand, Taumata Arowai, Te Tari Whakataua, Te Puni Kōkiri, Te Waihanga New Zealand Infrastructure Commission, Te Whatu Ora, the Treasury, and Whaikaha.
- 15 The government caucus and other parties represented in Parliament have also been consulted on the Bill.

Binding on the Crown

- 16 Cabinet has agreed that the Act will be binding on the Crown [CAB-25-MIN-0249].

Creating new agencies or amending law relating to existing agencies

- 17 The Bill does not create new public service agencies or amend the existing coverage of the Ombudsman Act 1975, the Official Information Act 1982, or the Local Government Official Information and Meetings Act 1987.

Allocation of decision-making powers

- 18 The Bill does not affect the allocation of decision-making powers between the executive, courts, or tribunals.

Associated regulations

- 19 Secondary legislation will be enabled by the Bill but is not needed to bring the Bill into operation. Secondary legislation will be progressed in a staged manner after the Bill is passed.

Definition of Minister/department

- 20 The Bill does not depart from the definition of Minister and department as defined in Part 2 of the Legislation Act 2019.

Commencement of legislation

- 21 The Bill will come into force on the day after the date of Royal assent with the following exceptions, to allow time for the development of guidance and to ensure affected parties can prepare to meet new requirements:
- 21.1 provisions relating to compliance orders, which come into force 6 months after Royal assent;
 - 21.2 the obligation on chief executives of territorial authorities regarding the use and provision of resources, which comes into force 12 months after Royal assent;
 - 21.3 provisions relating to Local Controllers and Local Recovery Managers, which come into force 12 months after Royal assent;
 - 21.4 the provision relating to the Director-General's engagement with disproportionately affected communities during the development of the national emergency management plan, which comes into force 12 months after Royal assent;
 - 21.5 new content requirements for regional emergency management plans relating to disproportionately affected communities, offers of assistance, and managing animals, which come into force 12 months after Royal assent; and
 - 21.6 provisions relating to the identification and role of government agencies as lead agencies in the national emergency management plan, which come into force on a day set by Order in Council (or by the second anniversary of Royal assent).

Parliamentary stages

- 22 I propose the Bill is introduced on 9 December 2025 and ^{9(2)(f)(iv)} [REDACTED]
[REDACTED] I propose the Bill is referred to the Governance and Administration Committee.

Proactive Release

- 23 I intend to release this paper proactively within 30 business days of decisions being confirmed by Cabinet.

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 note that the Emergency Management Bill (No 2) (the Bill) holds a category 5 priority (to proceed to select committee by the end of 2025) on the 2025 Legislation Programme;
- 2 note that the Bill will replace the Civil Defence Emergency Management Act 2002;

- 3 note that the Bill aims to support the following reform objectives which Cabinet confirmed in July 2025 [CAB-25-MIN-0249]:
 - 3.1 strengthen the role of communities and iwi Māori in emergency management;
 - 3.2 provide for clear responsibilities at the national, regional, and local levels;
 - 3.3 enable a higher minimum standard of emergency management;
 - 3.4 minimise disruption to essential services; and
 - 3.5 ensure agencies have the tools to do their jobs effectively when an emergency happens;
- 4 approve the Bill for introduction, subject to the final approval of the government caucus and sufficient support in the House of Representatives;
- 5 agree that the Bill be introduced on 9 December 2025;
- 6 agree that the government propose that the Bill be:
 - 6.1 referred to the Governance and Administration Committee for consideration;
 - 6.2 enacted by 9(2)(f)(iv) [REDACTED]

Authorised for lodgement

Hon Mark Mitchell

Minister for Emergency Management and Recovery

Annex 1: Summary of decisions taken under delegated authority

- 1 This annex provides a summary of the decisions I have taken (in the case of offshore islands, jointly with the Minister of Local Government) on detailed policy matters as authorised by Cabinet in November 2024 and July 2025 [CAB-25-MIN-0249 and CAB-24-MIN-0458 refer].

Scope of rules and regulations

- 2 Decisions were required on the scope of the new rule-making power and the framework to guide the development of rules.
- 3 The scope of rules enabled by the Bill is limited to technical, operational, procedural, and administrative matters related to the Act. Examples include setting:
 - 3.1 required levels of competence or standards to be met by persons carrying out specified emergency management roles
 - 3.2 minimum standards or requirements to enable national consistency, interoperability, or improved performance
 - 3.3 mandatory reporting obligations.
- 4 The Bill sets out the following framework to ensure there are appropriate safeguards around making rules:
 - 4.1 the Minister is required to have regard to the costs of implementation and any other matters considered appropriate, before making or amending a rule
 - 4.2 the Minister may make only minor or technical amendments to a rule without prior notification and consultation
 - 4.3 rules must adhere to standard secondary legislation requirements concerning publication, presentation, and disallowance
 - 4.4 the Director-General may, if appropriate, authorise a time-bound exemption from any requirement in a rule and determine any terms and conditions
 - 4.5 obligations set through rules are subject to compliance measures but rules themselves may not establish offences or penalties.
- 5 The power for the Governor-General to make regulations by Order in Council, currently in the CDEM Act, is retained in the Bill. Regulations will continue to be used for matters which are of broad relevance or effect, impact a wide range of persons, or are of significant public interest.
- 6 The CDEM Act lists several thematic areas for which regulations may be made. As some of these matters are now intended to be addressed through rules, the list has been adjusted accordingly.

Concurrent emergencies

- 7 Decisions were required to clarify the details associated with enabling concurrent national and local states of emergency and/or transition periods. In particular, the decisions ensure:

- 7.1 there is no delay in accessing powers that may be required for the immediate response to a new emergency; and
- 7.2 there is access to ongoing powers that may be needed following an emergency.
- 8 The decisions also ensure local or group recovery managers do not exercise powers in a manner contrary to the priorities for resources/services determined by the Director-General or National Controller during a state of national emergency. This is because the primary focus of activities during response is preservation of life, which should always take precedence over recovery activities like repair works.
- 9 In a similar vein, local or group controllers should not exercise powers in a manner contrary to the priorities for resources/services determined by the National Recovery Manager. This is because it is conceivable that following a major emergency, food, fuel, or other essential supplies may need to be prioritised nationally via national transition period, even during a concurrent local emergency.
- 10 To give effect to the intent described above, the Bill:
 - 10.1 enables a state of local emergency (SOLE) to be declared for emergency events, or remain in place, even while there is a state of national emergency (SONE) in force, or is declared, in that location for another emergency
 - 10.2 enables SOLE to be declared for emergency events, without terminating any national transition period (NTP) in force in that location for another emergency
 - 10.3 enables notice of a local transition period (LTP) to be given, or remain in place, for emergency events even while there is a SONE in force, or is declared, for that location for another emergency
 - 10.4 enables notice of a LTP to be given for an emergency, or remain in place, even while there is a notice of NTP in place, or is notified, for that location for another emergency
 - 10.5 during concurrent emergencies:
 - 10.5.1 prevents Local or Group Controllers from acting inconsistently to any priorities for the use of resources or services that have been determined by the Director-General or National Controller or National Recovery Manager
 - 10.5.2 prevents Local or Group Recovery Managers from acting inconsistently to any priorities for the use of resources or services that have been determined by the Director-General or National Controller or National Recovery Manager
 - 10.6 enables the Director-General to direct and control resources available for civil defence emergency management during a SONE or NTP, including (if required) for a SOLE or LTP when there is also a SONE or NTP in force concurrently across the same ward, district or area.

Aligning powers of Group Controllers and Group Recovery Managers

- 11 Decisions were required to address inconsistency between legislative drafting related to the powers of Group Controllers and Recovery Managers. At present, the powers held by CDEM Groups during a state of emergency are typically delegated to Group Controllers, while the equivalent powers sit directly with Recovery Managers (no need for delegation).
- 12 To remove this inconsistency, decisions have been taken to directly provide Group Controllers with the following powers under a state of emergency:
 - 12.1 carry out or require to be carried out all or any of the following:
 - 12.1.1 works
 - 12.1.2 clearing roads and other public places
 - 12.1.3 removing or disposing of, or securing or otherwise making safe, dangerous structures and materials wherever they may be
 - 12.2 provide for the conservation and supply of food, fuel and other essential supplies
 - 12.3 require information.
- 13 This change mitigates the current risk of unclear accountabilities and does not introduce any new risks as the change merely formalises current practice.

Responsibilities for offshore islands

- 14 The Minister of Local Government is the territorial authority for any part of New Zealand that is not already part of a territorial authority's district. This includes 11 named offshore islands³, most of which are in the Bay of Plenty region, as well as an unknown number of islets and rocks.
- 15 Decisions were required to remove the legislative ambiguity about the Minister of Local Government's emergency management functions in relation to these islands.
- 16 Given it does not make sense for emergency management functions to apply to uninhabitable islets and rocks, the Bill firstly requires the Minister of Local Government to identify regions with offshore islands that require emergency management. It is likely that only the Bay of Plenty region would meet this threshold.
- 17 The Bill then states that for the offshore islands in regions identified as meeting this threshold, the Minister of Local Government and the relevant CDEM Group(s) will be jointly responsible for performing emergency management functions in relation to those islands.
- 18 The Minister of Local Government and relevant CDEM Group(s) would be required to enter an agreement detailing how their joint functions will be carried out. In practice, agreements will set out a division of responsibilities and describe how the parties will

³ Karewa, Mōtītī, Motuhaku, Motunau, Moutohora, Moutoki, Rurima Island, Tokata, Tūhua, Whakaari and the Three Kings Islands (all but the latter have some human presence, either permanent or through visitation).

work together. The agreements will be subject to the following procedural requirements:

- 18.1 Agreements must be reviewed concurrently with the review of the relevant CDEM Group plan (by default every five years).
- 18.2 The Minister of Local Government and relevant CDEM Groups must consult interested iwi and hapū during the development and review of the agreement.

Power of entry to mitigate pain or distress of animals

- 19 Decisions were required to confirm the scope of a new power for authorised persons to enter a premises or place to mitigate the pain or distress of animals during a state of emergency or transition period. This extends the existing power under the CDEM Act, to enter a premises or place to save life, prevent injury, or rescue or remove an injured or endangered person.
- 20 The Bill provides a power of entry that may be exercised during a state of emergency or transition period by a Controller, Recovery Manager, constable, or any person acting under their authority. The power enables them to enter onto, and if necessary, break into, any premises or places (without a warrant) excluding marae, if they believe on reasonable grounds that entry is necessary for urgent measures to mitigate pain or distress of an animal.
- 21 The power will include authorisation to examine, mark, seize, sample, secure, disinfect, or destroy any property, animal, or any other thing in order to mitigate unnecessary pain or suffering of an animal during a state of emergency.
- 22 A number of safeguards will be in place to ensure the power is used appropriately:
 - 22.1 the power of entry must be linked to the circumstances of the state of emergency or transition period
 - 22.2 if the owner/occupier is contacted and provides consent for entry, this power is not required and should not be relied upon
 - 22.3 if the owner/occupier is contacted and does not consent to entry, the power should not be used but this does not prevent or restrict any other action being taken that can otherwise legally be taken in the circumstances (e.g. by the Police)
 - 22.4 if the owner/occupier cannot be contacted, the power can be exercised if all other conditions are met
 - 22.5 if the power is exercised, where possible, the person(s) authorised to exercise the power should inform the owner/occupier of any powers exercised, any action taken, and any other relevant information. e.g. by leaving information in/at the premises or place; and leave the premises or place safe and secured.